

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CANDY M. SOUSA, On Behalf of Herself and All Others Similarly Situated,)	No. 04-30022-MAP
Plaintiff,)	<u>CLASS ACTION</u>
vs.)	
WAVE SYSTEMS CORPORATION, et al.,)	
Defendants.)	
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YOSEF STREICHER, On Behalf of Himself and All Others Similarly Situated,)	No. 04-30026-KPN
Plaintiff,)	<u>CLASS ACTION</u>
vs.)	
WAVE SYSTEMS CORPORATION, et al.,)	
Defendants.)	
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[Caption continued on following page.]

RON ROGERS AND STEVE ALVAREZ'S NOTICE OF MOTION AND MOTION TO
CONSOLIDATE CASES FOR ALL PURPOSES AND FOR AN ORDER REGARDING
PRESERVATION OF DOCUMENTS

RAFAT DAWOD, Individually and On Behalf of) Civil Action No. 04-30029-KPN
of All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.)
WAVE SYSTEMS CORPORATION, et al.,)
Defendants.)
ALVIN CHESS, Individually and On Behalf of) Civil Action No. 04-30037-MAP
All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.)
WAVE SYSTEMS CORPORATION, et al.,)
Defendants.)
MICHAEL D. VICKER, On Behalf of Himself) Civil Action No. 04-30040-MAP
and All Others Similarly Situated,)
Plaintiff,) CLASS ACTION
vs.)
WAVE SYSTEMS CORPORATION, et al.,)
Defendants.)

[Caption continued on following page.]

H. MARTIN BOHMAN, On Behalf of Himself and All Others Similarly Situated,) Civil Action No. 04-30041-MAP
Plaintiff,) CLASS ACTION
vs.)
WAVE SYSTEMS CORPORATION, et al.,)
Defendants.)

JIMMY SUO, On Behalf of Himself and All Others Similarly Situated,) Civil Action No. 04-30042-MAP
Plaintiff,) CLASS ACTION
vs.)
WAVE SYSTEMS CORPORATION, et al.,)
Defendants.)

JACK SCHULMAN, Individually and On Behalf of All Others Similarly Situated,) Civil Action No. 04-30043-MAP
Plaintiff,) CLASS ACTION
vs.)
WAVE SYSTEMS CORPORATION, et al.,)
Defendants.)

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

Ron Rogers and Steve Alvarez will and hereby do move, pursuant to Rule 42 of the Federal Rules of Civil Procedure, to consolidate for all purposes the above-captioned eight related actions and for an order regarding the preservation of documents. The basis for the motion is that the eight related actions are virtually identical and raise common questions of fact and law. The motion is based on this notice of motion, the memorandum of points and authorities filed herewith, the files and records in each of these eight related cases and such other matters or arguments that the Court may consider at the hearing on this motion.

DATED: April 5, 2004

Respectfully submitted,

MOULTON & GANS, P.C.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on April 5, 2004.

\\$\\ NANCY FREEMAN GANS

NANCY FREEMAN GANS

\\$\\ NANCY FREEMAN GANS

NANCY FREEMAN GANS, BBO #184540

33 Broad Street, Suite 1100
Boston, MA 02109
Telephone: 617/369-7979
617/369-7980 (fax)

[Proposed] Liaison Counsel

MILBERG WEISS BERSHAD
HYNES & LERACH LLP
JEFFREY W. LAWRENCE
STANLEY S. MALLISON
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

MILBERG WEISS BERSHAD
HYNES & LERACH LLP
WILLIAM S. LERACH
DARREN J. ROBBINS
401 B Street, Suite 1700
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

[Proposed] Lead Counsel for Plaintiffs

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DECLARATION OF SERVICE BY FEDERAL EXPRESS AND FACSIMILE

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.

2. That on April 5, 2004, declarant served the **RON ROGERS AND STEVE ALVAREZ'S NOTICE OF MOTION AND MOTION TO CONSOLIDATE CASES FOR ALL PURPOSES AND FOR AN ORDER REGARDING PRESERVATION OF DOCUMENTS** by depositing by Federal Express in San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List. Declarant also served the parties by facsimile.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of April, 2004, at San Francisco, California.

\S\ DEBORAH DASH
DEBORAH DASH

WAVE SYSTEMS (Mass)

Service List - 4/2/2004 (04-0046M)

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Counsel For Defendant(s)

Robert A. Buhlman
 Eunice E. Lee
 Bingham McCutchen LLP
 150 Federal Street
 Boston, MA 02110
 617/951-8000
 617/951-8736(Fax)

Counsel For Plaintiff(s)

Jeffrey C. Block
 Michael T. Matraia
 Leslie R. Stern
 Berman DeValerio Pease Tabacco Burt & Pucillo
 One Liberty Square
 Boston, MA 02109
 617/542-8300
 617/542-1194(Fax)

Samuel H. Rudman
 David A. Rosenfeld
 Cauley Geller Bowman & Rudman, LLP
 200 Broadhollow Road, Suite 406
 Melville, NY 11747
 631/367-7100
 631/367-1173(Fax)

Jonathan M. Plasse
 Christopher J. Keller
 Goodkind Labaton Rudoff & Sucharow, LLP
 100 Park Avenue, 12th Floor
 New York, NY 10017-5563
 212/907-0700
 212/818-0477(Fax)

Sandy A. Liebhard
 Joseph R. Seidman, Jr.
 Bernstein Liebhard & Lifshitz, LLP
 10 East 40th Street
 New York, NY 10016
 212/779-1414
 212/779-3218(Fax)

David Pastor
 Gilman And Pastor, L.L.P.
 Stonehill Corporate Center
 999 Broadway, Suite 500
 Saugus, MA 01906
 781/231-7850
 781/231-7840(Fax)

Harold B. Obstfeld
 Harold B. Obstfeld, P.C.
 260 Madison Avenue, 19th Floor
 New York, NY 10016
 212/696-1212
 212/679-8998(Fax)

WAVE SYSTEMS (Mass)

Service List - 4/2/2004 (04-0046M)

Page 2 of 3

Deborah R. Gross
Susan R. Gross
Law Offices Bernard M. Gross, P.C.
1515 Locust Street, 2nd Floor
Philadelphia, PA 19102
215/561-3600
215/561-3000(Fax)

Charles J. Piven
Law Offices of Charles J. Piven, P.A.
The World Trade Center
401 East Pratt Street, Suite 2525
Baltimore, MD 21202
410/332-0030
410/685-1300(Fax)

Marjorie A. McKeithen
McKeithen, McKeithen & Bohman
10771 Perkins Road, First Floor
Baton Rouge, LA 70810
225/766-6500

Jeffrey W. Lawrence
Stanley S. Mallison
Milberg Weiss Bershad Hynes & Lerach LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111-5238
415/288-4545
415/288-4534(Fax)

William S. Lerach
Darren J. Robbins
Milberg Weiss Bershad Hynes & Lerach LLP
401 B Street, Suite 1700
San Diego, CA 92101-4297
619/231-1058
619/231-7423(Fax)

Nancy Freeman Gans
Moulton & Gans, P.C.
33 Broad Street, Suite 1100
Boston, MA 02109
617/369-7979
617/369-7980(Fax)

Susan E. Stenger
Perkins Smith & Cohen LLP
One Beacon Street, 30th Floor
Boston, MA 02108-3106
617/854-4000
617/854-4040(Fax)

Marc A. Topaz
Richard A. Maniskas
Schiffrin & Barroway, LLP
Three Bala Plaza East, Suite 400
Bala Cynwyd, PA 19004
610/667-7706
610/667-7056(Fax)

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Page 3 of 3

Thomas G. Shapiro
Theodore M. Hess-Mahan
Shapiro Haber & Urmy, LLP
75 State Street
Boston, MA 02109
617/439-3939
617/439-0134(Fax)

Jules Brody
Aaron L. Brody
Tzivia Brody
Stull, Stull & Brody
6 East 45th Street, 4th Floor
New York, NY 10017
212/687-7230
212/490-2022(Fax)

Robert I. Harwood
Jeffrey M. Norton
Wechsler Harwood LLP
488 Madison Avenue, 8th Floor
New York, NY 10022
212/935-7400
212/753-3630(Fax)

Eduard Korsinsky
Zimmerman, Levi & Korsinsky, LLP
39 Broadway, Suite 1440
New York, NY 10006
212/363-7500
212/363-7171(Fax)